IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 255 OF 2004

in

WRIT PETITION NO.3140 OF 2005

Ambrosa Menezes .. Petitioner

v/s

Crompton Greaves Limited .. Respondent

...

Mr N.M.Ganguli for Petr

Mr Sujeet Salkar i/b S.P.Dhulaskar for Respt

CORAM : D.G. KARNIK, J

DATED : 13th July 2005.

P.C.

1. This Chamber Summons is taken out by the heirs of the deceased petitioner for their substitution in place of the petitioner. The original petition was filed alleging that the respondent was indulging in unfair labour practice by threatening

to effect transfer of the petitioner. All grievances in the complaint related to the threatened action of the respondent proposing to transfer the petitioner. There was no other grievance. A prayer in the complaint was that the respondent be directed by a permanent injunction from transferring the petitioner to any other plant/division outside Mumbai. Though there was a prayer of injunction restraining the termination learned counsel for the petitioner states that services of the petitioner were not terminated. Since no interim relief was granted the petitioner was transferred to Goa and was posted at Goa where he worked.

2. On account of the death of the petitioner complaint has become infructuous. Cause of action for the alleged transfer does not surfive. In the circumstances heirs cannot be brought on record as the cause of action does not survive. Hence, Chamber Summons dismissed.

D.G.KARNIK, J